REMARKS

Claims 1-19 are currently pending in the application. Claim 18 has been amended. In view of the previous remarks and the present amendment, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance.

35 U.S.C. § 101 Rejection

Claims 16 and 18 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that the steps of claim 16 can be performed by a person as a mental step or with a paper or pencil, and that claim 18 recites a program product having a program, which is not tangibly embodied to be executable. This rejection is respectfully traversed.

By the present amendment, claim 18 has been amended to recite that the computer program is stored on a computer readable medium, such that the rejection of this claim is moot.

With regard to claim 16, Applicant submits that this claim, which recites a process producing a useful, concrete and tangible result, is fully in compliance with 35 U.S.C. § 101. In particular, claim 16 recites, *inter alia*, identifying one or more insert statements inserted into a source program file; determining a state of the logical condition statement; selecting one of the state statements associated with the state; parsing the selected state statement into one or more content source indicators; using one or more of the content source indicators to determine a content source type and one or more access instructions; using the access instructions to access a content source object, the content source object having content; and replacing the insert statement with the content from the content source object referred to by the indicators in the source program file.

Applicant notes that these expressly recited features of claim 16 are more than merely a manipulation of abstract ideas and more than merely a performance of an algorithm, such that claim 16 is concrete. Moreover, as the method provides a practical application of dynamic content resolution through transformation of signals or data, Applicant submits that claim 16 is useful and tangible.

Accordingly, as claim 16 is useful, concrete and tangible, Applicant respectfully requests withdrawal of the rejection of claim 16 under 35 U.S.C. § 101, and an indication that this claim, as well as claim 18, is fully in compliance with the requirements of the statute.

35 U.S.C. §102 Rejection

Claims 1-9 and 11-18 were rejected under 35 U.S.C. §102(b) for being anticipated Date et al. ("A Guide to SQL/DS"). This rejection is respectfully traversed.

The Examiner asserts that Date shows one or more insert statements inserted into the source program at page 134, and an insert parser that determines the state of the logical condition at page 27 and 38 and Figure 2.34. Applicants respectfully disagree. In Date, the INSERT statement is merely used as an SQL update statement. In the example, provided at page 134, reproduced in part below, there is a logical condition statement and logical parameters. However, contrary to the Examiner's assertions, Date fails to disclose the recited state statements. Instead, Date shows:

```
INSERT
INTO        OJEX
            SELECT      S.*., SP.P#
            FROM        S, SP
            WHERE       S.S# = SP.S#


INSERT
INTO        OJEX
            SELECT      S.*., 'BB'
            FROM        S
            WHERE       NOT EXISTS
                    (   SELECT *
                        FROM        SP
                        WHERE       SP.S# =S.S#   )
```

In the foregoing, the Examiner asserts that "WHERE . . . " is a logical condition statement with one or more parameters "S.S# and SP.S#" and one or more state statements "INTO OJEX . . ." However, the Examiner has failed to show that "INTO OJEX . . ." is a state statement within the scope of the pending claims. In particular, Applicant submits that "INTO OJEX . . ." indicates that certain specific data will be inserted to update a given table, and does not refer to a state of logical condition statements.

Moreover, Applicant notes that the data updated in the table is replaced with new data, and there is no teaching or suggestion that the data is processed in accordance with the features recited in the independent claims.

Further, as previously noted, in the statement, the "WHERE NOT" statement is the logical condition statement and the "WHERE SP..." statement is the logical parameter. However, Date's INSERT statement does not have the form of the claimed invention; that is, the INSERT statement does not include:

> .... one or more logical condition statements with one or more logical parameters and one or more state statements.

Thus, a review of the example identified by the Examiner at page 134 of Date confirms that the INSERT statement is merely a retrieval statement. This INSERT statement is not designed for dynamic integration of content and form. Further, there is no indication that Date's INSERT statement maintains control over the placement decision of form and content in a unified presentation while allowing separate requirements on content and form to drive that decision. Instead, Date's INSERT statement on page 134 is used to find

> ....each supplier, get the supplier number, name, status, and
> city, together with part numbers for all parts supplied by that
> supplier, If a given supplier supplies no parts at all, then show the
> information for that supplier in the result concatenated with a blank
> part number.

Again, the INSERT statement is an update statement, not a retrieval statement. As such, there is no showing of the data, such as the table shown on page 135 of DATE. To show this data, a separate select statement must be used. As such, this is totally irrelevant to the one or more insert statements inserted into the source program file of the claimed invention.

Date also does not show an insert parser, capable of the functionality and methodology of the claimed invention. The "so-called" parser of Date is a preprocessor which examines the SQL statements in the source module, parses them and reports on any syntax errors. It can also be used to replace each SQL statement by a PL/I CALL statement, which passes control to the RDS when it is executed at run time. The parser of Date does not parse selected state statement into one or more content source indicators.

Moreover, while the Examiner asserts that Date shows a content insertion process in section 8.2.5 and Figures 2.2 and 2.3, Applicant notes that section 8.2.5 is referring to an INSERT statement for each supplier, get the supplier number, name, status, and city, together with part numbers for all parts supplied by that supplier. If a given supplier supplies no parts at all, then show the information for that supplier in the result concatenated with a blank part number. The INSERT statement of Date is not a content insertion process that replaces the insert statement with the content accessed from the content source object referred to by the indicators in the source program file, as recited in at least the independent claims.

Applicants further submit that the dependent claims are allowable based on their dependencies from respective independent claims.

Accordingly, Applicants respectfully request that the rejection over claims be withdrawn.

35 U.S.C. §103 Rejection

Claims 10 and 19 were rejected under 35 U.S.C. §103(a) for being unpatentable over Date in view of U. S. Patent No. 5,742,845 to Wagner. This rejection is respectfully traversed.

Applicants submit that the dependent claim 10 is allowable based on its dependencies from allowable claim 1.

Further, independent claim 19 is likewise allowable over the art of record, at least for the reasons set forth with regard to Date. Moreover, Applicant notes that Wagner fails to teach or suggest any of the subject matter noted above as deficient in Date. Accordingly, Applicant submits that independent claim 19 is allowable over the art of record.
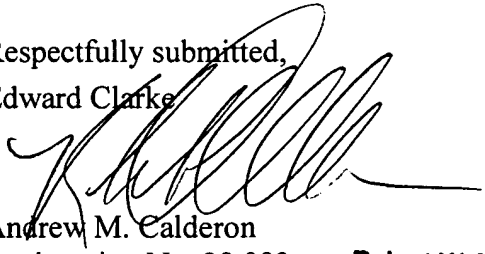
Accordingly, Applicants respectfully request that the rejection over claims 10 and 19 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance.

Respectfully submitted,
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